

**FIFTY-FIRST DAY**  
(Thursday, April 9, 1981)

The Senate met at 9:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Brooks.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Lord, we pray today that You would let something turn up for us besides the noses of our friends. Amen.

On motion of Senator Snelson and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Brooks was granted leave of absence for today on account of important business on motion of Senator Snelson.

**REPORTS OF STANDING COMMITTEES**

Senator Wilson, Acting Chairman, submitted the following report for the Committee on Human Resources:

**S.B. 471 (Amended)**

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

**S.R. 450**  
**H.B. 267**  
**H.B. 965**  
**H.B. 1663**  
**S.B. 845**  
**S.B. 601**  
**S.B. 362 (Amended)**  
**S.B. 933**  
**S.B. 716**  
**C.S.S.B. 488 (Read first time)**  
**C.S.S.B. 1033 (Read first time)**  
**C.S.S.B. 476 (Read first time)**

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 1065  
S.B. 1072  
S.B. 1084  
S.B. 1019  
S.B. 610 (Amended)  
C.S.S.B. 199 (Read first time)

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 360  
S.B. 557  
H.B. 364  
C.S.S.B. 121 (Read first time)  
C.S.S.B. 1167 (Read first time)  
C.S.S.B. 558 (Read first time)  
C.S.S.B. 559 (Read first time)  
C.S.S.B. 626 (Read first time)

#### SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Brown and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.B. 1199** by Brown Economic Development  
Relating to the comprise of a claim in liquidation of a state bank; amending Article 12, Chapter VIII, Texas Banking Code of 1943, as amended (Article 342-812, Vernon's Texas Civil Statutes), and declaring an emergency.

**S.B. 1200** by Brown Economic Development  
Relating to the issuance of convertible debentures by a state bank; amending Article 7, Chapter VI, Texas Banking Code of 1943, as amended, (Article 342-607, Vernon's Texas Civil Statutes), and declaring an emergency.

**S.B. 1201** by Brown Economic Development  
Relating to the issuance of fractional shares; amending Article 12, Chapter III, Texas Banking Code of 1943, as amended (Article 342-312, Vernon's Texas Civil Statutes), and declaring an emergency.

**S.B. 1202** by Brown Economic Development  
Relating to the fidelity bond of the Banking Commissioner and his employees; amending Article 6, Chapter II, Texas Banking Code of 1943, as amended (Article 342-206, Vernon's Texas Civil Statutes; and declaring an emergency.

**S.B. 1203** by McKnight State Affairs  
Relating to public utility transactions with industrial, pipeline, and similar large volume customers.

**S.J.R. 53** by Caperton, Mauzy State Affairs  
Proposing a constitutional amendment authorizing the Commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years as of November 15, 1981.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 391**, To Committee on State Affairs.
- H.B. 717**, To Committee on Jurisprudence.
- H.B. 892**, To Committee on State Affairs.
- H.B. 970**, To Committee on Education.

**CO-AUTHORS OF SENATE RESOLUTION 450**

On motion of Senator Mengden and by unanimous consent, Senators Williams and Parker will be shown as Co-authors of S.R. 450.

**SENATE RESOLUTION 484**

Senator Glasgow offered the following resolution:

WHEREAS, With the retirement of Senator Tom Creighton from the floor of the Texas Legislature, there ended a memorable epoch in the history of Texas politics; and

WHEREAS, Senator Creighton, who represented 17 counties in North Texas, was wont to speak with great energy and flamboyance and to punctuate his words with expectorations, for he was the last senator to chew tobacco on the Senate Floor; and

WHEREAS, A native of Mineral Wells, born on February 26, 1927, Senator Creighton earned his L.L.B. at The University of Texas and returned to his home town to practice law; he has always considered himself a "country lawyer"; and

WHEREAS, He was elected to the Senate of Texas in 1961 and, before his retirement in 1979, served on most of the major Senate committees; at the time of his retirement he was Chairman of the Economic Development Committee and a member of the Legislative Budget Board; Senator Creighton was widely regarded as one of the most powerful and influential members of the legislature; and

WHEREAS, In 1965 Senator Creighton, in a break with tradition, was elected President pro tempore of the Senate over Senator Babe Schwartz; in April of that year, Senator Creighton had a celebration in honor of serving as Governor for a Day; and

WHEREAS, This outstanding statesman has long been active in the civic affairs of his community, state, and nation, having been a member of the Texas Junior Chamber of Commerce and of the Lions Club, the National Director of the United States Chamber of Commerce, and the President of the Palo Pinto United Fund, to name only a few of his organizational endeavors; and

WHEREAS, Senator Creighton and his lovely wife, Sue, have three sons: Thomas William, Kenneth Roy, and Mark Gregory; and

WHEREAS, The Senator has been justly described by a colleague as "a man of great moral courage, which is a higher form than physical courage"; nevertheless, Senator Creighton possesses both forms, the latter typified by his brave and coolly skillful crash-landing of his own plane in 1964 with Senate Secretary Charles Schnabel also on board; and

WHEREAS, The present members of the Senate, political allies and foes alike, owe a great deal to Senator Creighton for the blunt honesty, the hard-fighting intelligence, the charm and wit, and the profound humanity that he

brought to the Senate Floor; they are a legacy that shall not be forgotten; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 67th Legislature, hereby salute the memory of one of the finest senators in the history of Texas, Tom Creighton, and extend him best wishes in his present pursuit of his law practice in Mineral Wells; and, be it further

RESOLVED, That an official copy of this Resolution be prepared for Senator Creighton as an expression of gratitude and irrevocable indebtedness from the Senate of Texas.

The resolution was read and was adopted.

#### SENATE RESOLUTION 458

Senator Truan offered the following resolution:

**S.R. 458**, In memory of Mr. Presciliano M. Rangel.

The resolution was read.

On motion of Senator Vale and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

#### GUESTS PRESENTED

Senator Truan was recognized and introduced Mr. Rangel's family: his widow, Mrs. Herminia Rangel, and daughters, State Representative Irma Rangel, Mrs. Mimi Rangel Henderson and Miss Debbie Henderson.

Mr. Rangel's family was escorted to the President's Rostrum. Mrs. Rangel was presented an enrolled copy of Senate Resolution 458 by the President.

#### SENATE RESOLUTION 474

Senator Truan offered the following resolution:

**S.R. 474**, Commending as exemplary the notable military career of Lieutenant Colonel Carlos Evardo Lerma.

The resolution was read.

On motion of Senator Vale and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted.

#### GUESTS PRESENTED

Senator Truan escorted Colonel Lerma, his mother, Mrs. Francisca Lerma and children, Diana and Carlos to the President's Rostrum. The President presented Colonel Lerma with an enrolled copy of Senate Resolution 474.

Senator Truan introduced as additional guests Mrs. Ninfa Arce, Eloy Arce, Mrs. Lucille Longoria and Mrs. Nilda Garcia.

#### **SENATE RESOLUTION 481**

Senator Parker offered the following resolution:

**S.R. 481**, Congratulating K. W. "Kinky" Shane, patriarch of agri-aviation, on the occasion of the 35th anniversary of his epochal flight revolutionizing rice-planting by seeding soaked fields in South Texas from an airplane.

The resolution was read and was adopted.

#### **GUESTS PRESENTED**

Senator Parker escorted Mr. Shane and Confederate Air Force Colonel John Bradley to the President's Rostrum.

Mr. Shane was presented with an enrolled copy of Senate Resolution 481 by the President.

#### **CONFERENCE COMMITTEE REPORT ON SENATE BILL 306**

Senator Sarpalius called from the President's table the Conference Committee Report on **S.B. 306**. (The Conference Committee Report having been again filed with the Senate and read on Tuesday, April 7, 1981.)

Senator Sarpalius moved that the Senate do not adopt the Conference Committee Report but that the Senate Conferees be discharged and a new Conference Committee be appointed to adjust the difference between the two Houses on the bill.

Senator Howard made the substitute motion that the Senate adopt the Conference Committee Report on **S.B. 306**.

On motion of Senator Howard and by unanimous consent, the substitute motion was withdrawn.

Question on the motion to not adopt the Conference Committee Report, discharge the Conferees and appoint a new Conference Committee, the motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Howard.

Absent: Santiesteban.

Absent-excused: Brooks.

The President asked if there were any motions to instruct the Conference Committee on **S.B. 306** before appointment.

Senator Mengden moved that the Senate Conferees be instructed to vote for a bill containing the same language as the bill passed by the Senate this session relating to the sale of alcoholic beverages to minors.

The motion was lost by the following vote: Yeas 9, Nays 20.

Yeas: Andujar, Blake, Brown, Doggett, Harris, Howard, Leedom, Mengden, Vale.

Nays: Caperton, Glasgow, Jones, Kothmann, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Williams, Wilson.

Absent: Farabee.

Absent-excused: Brooks.

The President announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Sarpalius, Chairman; Glasgow, Howard, Meier and Mengden.

#### **BILLS AND RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

**S.B. 325**  
**S.B. 331**  
**S.B. 741**  
**H.C.R. 130**  
**H.C.R. 136**  
**H.C.R. 139**

#### **CONSIDERATION OF NOMINATIONS**

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

#### **NOMINEES CONFIRMED**

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brooks.

**COMMITTEE SUBSTITUTE SENATE BILL 823 ON THIRD READING**

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

**C.S.S.B. 823**, Relating to including children under twenty-one (21) years of age who have neurofibromatosis in the category of persons who are eligible for services under the crippled children's program of the Texas Department of Health; and declaring an emergency.

The motion prevailed by the following vote: Yeas 20, Nays 8, Present-not voting 1.

Yeas: Brown, Caperton, Doggett, Glasgow, Kothmann, Mauzy, McKnight, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams, Wilson.

Nays: Blake, Harris, Howard, Jones, Leedom, Meier, Richards, Travis.

Present-not voting: Andujar.

Absent: Farabee.

Absent-excused: Brooks.

The bill was read third time and was passed.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 169 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 169**, Relating to payment of tuition and fees for members of the Texas National Guard attending postsecondary educational institutions.

There was objection.

Senator Traeger then moved to suspend the regular order of business and take up **C.S.S.B. 169** for consideration at this time.

The motion was lost by the following vote: Yeas 17, Nays 12. (Not receiving two-thirds vote of Members present)

Yeas: Caperton, Glasgow, Kothmann, Leedom, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Brown, Doggett, Harris, Howard, Jones, Mauzy, McKnight, Sarpalius, Short, Wilson.

Absent: Farabee.

Absent-excused: Brooks.

**MOTION TO PLACE SENATE BILL 200 ON SECOND READING**

Senator Vale moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 200**, Relating to coordination of public health entities; to public health officers; and to state assistance to local health departments.

The motion was lost by the following vote: Yeas 11, Nays 16.

Yeas: Doggett, Kothmann, Mauzy, Parker, Santiesteban, Sarpalius, Traeger, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Brown, Caperton, Glasgow, Harris, Howard, Jones, Leedom, Meier, Mengden, Richards, Short, Snelson, Travis, Wilson.

Absent: Farabee, McKnight, Ogg.

Absent-excused: Brooks.

**MESSAGE FROM THE HOUSE**

House Chamber  
April 9, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 141**, In memory of Billy Max Moore.

**H.C.R. 142**, In memory of Warden Wallace Pack.

**H.C.R. 143**, Inviting Vice President George Bush to address a joint session of the Texas Legislature at 10 a.m., Friday, May 15, 1981.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**LEAVE OF ABSENCE**

Senator Wilson was granted leave of absence for the remainder of today on account of important business on motion of Senator Traeger.

**SENATE BILL 417 ON SECOND READING**

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 417**, Relating to a program to demonstrate fluidized bed combustion of lignite.



The motion prevailed by the following vote: Yeas 23, Nays 3.

Yeas: Andujar, Caperton, Doggett, Glasgow, Harris, Jones, Kothmann, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Brown, Howard.

Absent: Farabee, Leedom, Ogg.

Absent-excused: Brooks, Wilson.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 417 ON THIRD READING**

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 417** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 3.

Yeas: Andujar, Brown, Caperton, Doggett, Glasgow, Harris, Jones, Kothmann, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Howard, Leedom.

Absent: Farabee, Ogg.

Absent-excused: Brooks, Wilson.

The bill was read third time and was passed.

#### **COMMITTEE SUBSTITUTE SENATE BILL 666 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 666**, Relating to the purchase of certain items made from precious metal or precious or semiprecious stones; providing penalties.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 666 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 666** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Yeas: Andujar, Blake, Brown, Caperton, Doggett, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden,

Parker, Richards, Santiesteban, Short, Snelson, Travis, Truan, Uribe, Vale, Williams.

Nays: Traeger.

Absent: Farabee, Ogg, Sarpalius.

Absent-excused: Brooks, Wilson.

The bill was read third time and was passed.

#### **RECORD OF VOTE**

Senator Traeger asked to be recorded as voting "Nay" on the final passage of the bill.

#### **COMMITTEE SUBSTITUTE SENATE BILL 758 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 758**, Relating to cleanup of certain inactive disposal facilities.

The bill was read second time and was passed to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 758 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 758** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent: Farabee, Ogg.

Absent-excused: Brooks, Wilson.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

#### **SENATE BILL 863 ON SECOND READING**

On motion of Senator Richards and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 863**, Relating to the sources of grants for faculty members on development leaves of absence from public institutions of higher education.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 863 ON THIRD READING**

Senator Richards moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 863** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Farabee.

Absent-excused: Brooks, Wilson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0. (Same as previous roll call)

#### MESSAGE FROM THE HOUSE

House Chamber  
April 9, 1981

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on **S.B. 306**.

House Conferees: Allee, Chairman; Coleman, Keller, Gerald Hill, Green.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### SENATE RESOLUTION 488

Senator Ogg offered the following resolution:

**S.R. 488**, Welcoming Pauline Seay, "Honorary Page" for the day.

The resolution was read and was adopted.

#### GUEST PRESENTED

Senator Ogg presented Pauline to the Members of the Senate.

#### MEMORIAL RESOLUTIONS

**S.R. 486** - By Snelson: Memorial resolution for Paul W. Vogt.

**S.R. 487** - By Snelson: Memorial resolution for Ben F. Meek.

#### WELCOME AND CONGRATULATORY RESOLUTIONS

**S.R. 482** - By Short: Commending Dr. O. W. English on his many fine achievements.

**S.R. 485** - By Glasgow: Extending congratulations to Daniel Baker on attaining the rank of Eagle Scout.